

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Cecilia Tillman,

Plaintiff,

v.

Case No. 11-10994

Macy's Inc.,

Honorable Sean F. Cox

Defendant.

ORDER OVERRULING
PLAINTIFF'S OBJECTIONS TO MAGISTRATE JUDGE'S MARCH 22, 2012 ORDER
DENYING PLAINTIFF'S MOTION TO COMPEL

On January 17, 2012, Plaintiff filed a *pro se* motion seeking to compel discovery from Defendant, which this Court referred to Magistrate Judge Mona Majzoub for hearing and determination.

Following full briefing by the parties,¹ Magistrate Judge Majzoub noticed the motion to be heard on March 21, 2012. Plaintiff did not appear for the hearing.

On March 22, 2012, Magistrate Judge Majzoub issued an Order Denying Plaintiff's Motion to Compel Discovery. (Docket Entry No. 47).

Thereafter, on April 5, 2012, Plaintiff filed Objections to Magistrate Judge Majzoub's March 22, 2012.

When a magistrate judge hears and determines a non-dispositive motion (*i.e.*, one that is not enumerated in §636(b)(1)(A)), the district judge to whom the case is assigned may

¹Defendant filed a Response to the motion and Plaintiff filed a letter Reply.

reconsider the order addressing that motion “where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.” *Id.*; *see also* FED. R. CIV. P. 72.

In objecting to the Order, Plaintiff asserts that she did not attend the hearing scheduled for March 21, 2012, do to a mistake on her part in calendaring the date. Plaintiff further asserts that “[b]ased upon this innocent mistake the Plaintiff was unable to present her case before the Magistrate, and as a result the Magistrate ruled in favor of the Defendants.” (Pl.’s Objs. at 1).

Contrary to Plaintiff’s assertions, however, the record reflects that Magistrate Judge Majzoub did not deny Plaintiff’s motion simply on the basis of her failure to appear for the scheduled hearing. (*See* 3/22/12 Order at 1, stating that Magistrate Judge Majzoub was denying the motion “having reviewed” Plaintiff’s Motion, Defendant’s Response in Opposition to the Motion, and Plaintiff’s letter Reply). Moreover, Plaintiff was afforded a full and fair opportunity to present her position by virtue of having filed two written briefs that were considered by the Court.

Accordingly, Plaintiff has not established that the Magistrate Judge’s Order is clearly erroneous or contrary to law. The Court hereby OVERRULES Plaintiff’s Objections to the March 22, 2012 Order and therefore the Order remains in force.

IT IS SO ORDERED.

Dated: April 20, 2012

S/ Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that on April 20, 2012, the foregoing document was served upon counsel of

record by electronic means and upon Cecilia Tillman by First Class Mail at the address below:

Cecilia Tillman
24128 Colgate
Dearborn Hgts, MI 48125

Dated: April 20, 2012

S/ Jennifer Hernandez
Case Manager